



PUBLIC NOTICE

**The United States Environmental Protection Agency
Has Issued an Emergency Ocean Dumping Permit
to the Florida Department of Environmental Protection**

On April 9 2003, the U.S. Environmental Protection Agency (EPA) issued an emergency permit to the Florida Department of Environmental Protection (FDEP) to transport and disperse treated wastewater from the abandoned Piney Point phosphate fertilizer facility in Manatee, County, Florida in the waters of the Gulf of Mexico. The emergency permit was issued to prevent a catastrophic spill, should heavy rains as a result of the upcoming rainy and hurricane seasons cause the overtopping or failure of the dikes at the facility. The potential failure poses an imminent health and safety threat to many area residents, including risking the lives of the workers on site and flooding Highway 41 – a major hurricane evacuation route for over 300,000 people in South Florida.

Since it became involved in managing the facility in 2001, the FDEP has been seeking options for removal of the wastewater, and increased the onsite holding capacity to stabilize the containment system pending the implementation of other alternatives. Record rainfall during the latter half of 2002, including December's once-in-500-year rainfall amount resulted in a 280 million gallon net increase in the wastewater inventory at the facility for calendar year 2002. This has triggered an emergency situation, with the threat of dike failure or exceedance of storage capacity on site.

The treated wastewater has been approved for disposal and will be dispersed in the Gulf of Mexico offshore Florida at water depths greater than 40 meters, at distances greater than 40 nautical miles from shore and in areas free of critical marine habitats. The process water and contaminated rainfall-runoff at the facility shall be treated utilizing a double lime precipitation, aeration and sedimentation process. During the term of the permit, no more than 534.7 million gallons of treated wastewater can be disposed at sea and the permittee is required to continue to research and implement alternative disposal methods. Disposal operations are to be completed by November 30, 2003. The waste transporter will monitor and report to EPA data regarding the disposal activities and the permittee will implement an environmental monitoring program. These permit conditions were selected to minimize the potential for adverse ecological effects from disposal of this treated wastewater.

EPA issued this emergency permit pursuant to Section 102a of the Marine Protection, Research, and Sanctuaries Act and 40 CFR §220.3(c) because there are no other feasible solutions immediately available to alleviate the unacceptable risks posed by this emergency. Further, EPA determined pursuant to 40 CFR §222.3(b)(3) that, because of the urgency of the situation, and the risk to human health, the public interest required the issuance of the permit as soon as possible, without notice prior to its issuance. However, a public meeting will be held if interest warrants. For additional information about the EPA permit or to obtain a copy of the permit, please call (404) 562-9352. Additional information and documents will also be available on our website at:

<http://www.epa.gov/region4/water/oceans>. Comments on the permit and requests for a public meeting can be sent to: Wesley B. Crum, Chief, Coastal Section, U.S. EPA Region 4, 61 Forsyth Street, S.W., Atlanta, GA 30303, email: crum.bo@epa.gov.